

1 (Whereupon, the following
2 proceedings were had on the
3 public record, to wit:)
4 MS. PASULKA-BROWN: One other housekeeping
5 thing. We've got that conference call for those
6 two witnesses at 5:00 o'clock.
7 JUDGE SAINSOT: Uh-oh.
8 MS. PASULKA-BROWN: I think those can be
9 extended, but if I'm going to, I need to do that
10 now because we only have a conference slot, however
11 those are arranged, the bridge, from 1:00 until
12 5:00.
13 JUDGE SAINSOT: Yeah, why don't we -- before we
14 go on the record -- let you do that.
15 Off the record.
16 (Discussion off the record.)
17 JUDGE SAINSOT: Okay. Back on the record. And
18 for the record, we're no longer in camera.
19 Ms. Pasulka-Brown, you have
20 redirect?
21 MS. PASULKA-BROWN: Yes, I do your Honor. I
22 have just two matters, your Honor.

1 REDIRECT EXAMINATION

2 BY

3 MS. PASULKA-BROWN:

4 Q. Mr. Tsuyuki, do you recall Ms. Naughton's
5 questions regarding whether IXC service is included
6 within special access service?

7 A. Yes, I do.

8 Q. And regarding that testimony, I believe you
9 had a correction to make to your answer on the IXC
10 service?

11 A. Yes, I do. IXC service are interexchange
12 in nature and also interLATA which constitutes
13 intrastate services so that a single circuit going
14 from one of PrimeCo's cell sites back to its MSC
15 could involve three or four different carriers
16 provisioning a portion of the service.

17 So in other words, we would order
18 a larger capacity circuit going from our MSC to
19 another LATA, establish a POI, and then from that
20 POI we would use the local LEC services to extend
21 to our cell site and possibly a second local LEC.

22 Q. And then I also want to direct your

1 attention to the testimony you gave regarding the
2 definition of wholesale special access proposed by
3 the Wireless Coalition. Do you remember that
4 testimony?

5 **A.** Yes, I do.

6 **Q.** And do you remember explaining certain of
7 the provisioning in that testimony?

8 **A.** Yes, I do.

9 **Q.** And that testimony -- the definition of
10 wholesale special access proposed by the Wireless
11 Coalition is different than the definition of
12 wholesale special access proposed by Staff; is that
13 correct?

14 **A.** That is correct.

15 **Q.** And you have reviewed, and I'm going to put
16 in front of you Staff Exhibit 7.0, and
17 Section 731.105 which includes the definition of
18 wholesale special access. And I would like you to
19 take a look at that definition of Staff's.

20 **A.** Okay.

21 **Q.** Mr. Tsuyuki, does this Staff definition of
22 wholesale special access services as included in

1 Staff Exhibit 7.0, Section 731.105 encompass all
2 the special access services described during your
3 cross-examination?

4 **A.** No, it does not, and the reason why is
5 because when you break down a circuit and you say
6 from a customer network interface device to a POI
7 of the carrier, that is -- the carrier's POI is
8 known as the telco demark. And that only
9 encompasses -- that does not even include the local
10 loop facilities provided by the provisioning
11 carrier.

12 So when you read that definition,
13 it only includes a wiring from our equipment to the
14 telco demark the way it is written. Our definition
15 includes those network elements that include the
16 local loop, interoffice facilities, point-to-point
17 facilities, interLATA intrastate services, and also
18 other carrier networks.

19 **Q.** And what you just described is the
20 transmission path from your cell site back to your
21 switch, correct?

22 **A.** That's correct.

1 MS. PASULKA-BROWN: That's all I have, your
2 Honor.

3 JUDGE SAINSOT: Okay. You're excused. Thank
4 you very much.

5 (Witness sworn.)

6 RAJESH Tank,
7 called as a witness herein, having been first duly
8 sworn, was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY

11 MS. PASULKA-BROWN:

12 Q. Good afternoon, Mr. Tank. Would you please
13 state your name for the record?

14 A. Rajesh Tank.

15 Q. And can you tell me who you're employed by
16 and what your title is?

17 A. Voicestream Wireless Corporation, and I'm
18 the executive director of engineering operations.

19 Q. And are you the same Rajesh Tank that
20 submitted direct testimony in this proceeding?

21 A. Yes, I am.

22

1 (Whereupon, Wireless Coalition
2 Exhibit Nos. 2.0 and 2.0 PR were
3 marked for identification
4 as of this date.)

5 BY MS. PASULKA-BROWN:

6 Q. I'm handing you what's been marked as
7 Wireless Coalition Exhibit 2.0 entitled Direct
8 Testimony of Rajesh Tank as well as Wireless 2.0
9 PR, which is the proprietary version of the direct
10 testimony of Rajesh Tank.

11 Is this the testimony that you
12 previously submitted in this proceeding?

13 A. Yes, it is.

14 Q. And do you have any corrections or changes
15 to make of that testimony?

16 A. Yes, I do.

17 Q. Can you please turn to Page 7 of your
18 testimony.

19 A. Yes.

20 Q. And can you please describe the change that
21 you'd like to make.

22 A. After a long debate with Ameritech, we

1 finally got them to agree to do reconciliation
2 meetings once a week. It took us about three
3 months to get those. After six weeks they
4 discontinued them and they just stopped having
5 them. So I wanted to put on here "Such meetings
6 were discontinued by Ameritech on or around
7 December 15th."

8 Q. And what line number is that on ?

9 A. That's on Line 146. So I need to have
10 inserted "by Ameritech" after the word
11 "discontinued."

12 Q. Do you have any other corrections or
13 changes to make to your testimony?

14 A. No, I don't.

15 Q. If I asked you the same questions that are
16 set forth in the testimony, would you give the same
17 answers?

18 A. Yes, I would.

19 MS. PASULKA-BROWN: With that, your Honor, we
20 would like to submit for addition into the record
21 Wireless Coalition Exhibit 2.0 and Wireless
22 Coalition Exhibit 2.0 Proprietary and submit

1 Rajesh Tank for cross-examination.

2 JUDGE SAINSOT: Any objection to Counsel's
3 motion to admit Wireless Exhibit 2.0 or 2.0 PR?

4 Okay. There being no objection,
5 Wireless 2.0 and Wireless exhibit 2.0 PR are
6 admitted into evidence.

7 (Whereupon, Wireless Coalition
8 Exhibit Nos. 2.0 and 2.0 PR were
9 admitted into evidence
10 as of this date.)

11 JUDGE SAINSOT: Any cross?

12 MR. METROPOULOS: I have a few questions your
13 Honor. Thank you.

14 CROSS-EXAMINATION

15 BY

16 MR. METROPOULOS:

17 Q. Good afternoon, Mr. Tank. How are you?

18 A. Good.

19 Q. Good. I have a few questions for you
20 related to your testimony.

21 A. Mm-hmm.

22 Q. First, as a witness for the Wireless

1 Coalition, you are familiar with the proposed rule
2 that appears -- or that was attached to
3 Mr. Tsuyuki's testimony; would that be correct?

4 **A.** I've had Staff that's been involved in the
5 rule-making process that worked with him.

6 **Q.** Did you review that proposed rule as part
7 of your preparation?

8 **A.** I briefly reviewed it, yes.

9 **Q.** Okay. And you are providing testimony in
10 support of part of that rule; is that correct?

11 **A.** Yes.

12 **Q.** And the most -- as you understand it, the
13 most recent red line version of that proposal
14 appears in Wireless Coalition Exhibit 8.1?

15 **A.** Yes.

16 **Q.** Okay. I'd like to turn to Pages 7 and 8 of
17 your direct. It's actually a question that begins
18 on the bottom of Page 7 and is answered at the top
19 of Page 8.

20 Do you see the question and
21 answer I'm referring to?

22 **A.** Line Item 153?

1 **Q.** Yes, it is. Now, you refer to something
2 that is abbreviated as an FOC, and when you were
3 asked what FOC stands for, do you see where it says
4 firm order commitment?

5 **A.** That's right.

6 **Q.** Okay. If I were to say that an FOC is
7 actually a firm order confirmation, would you agree
8 or disagree with me?

9 **A.** Based on what I've seen in your tariffs, I
10 would disagree with that because there's verbiage
11 that uses the word commitment based on due dates
12 that are being discussed in the tariffs.

13 **Q.** Can you show me where in your Coalition's
14 proposed rule Exhibit 8.1 that it says firm order
15 commitment? Does it refer to it at all?

16 MS. PASULKA-BROWN: I would object, your Honor.
17 We did provide a witness to testify regarding the
18 Wireless Coalition's proposed rule, and that was
19 Lester Tsuyuki.

20 The testimony that's provided by
21 Mr. Tank is specifically limited to the performance
22 that Verizon -- excuse me, that performance that

1 Ameritech provides to Voicestream and testimony
2 regarding the fact that Voicestream supports the
3 propositions and proposals of the Wireless
4 Coalition.

5 JUDGE SAINSOT: So you're saying it's beyond the
6 scope?

7 MS. PASULKA-BROWN: It's beyond the scope, and
8 the other exhibits of the Wireless Coalition which
9 were specifically designated and admitted in
10 connection with the testimony of Lester Tsuyuki
11 were the proper witness to address those questions
12 to.

13 MR. METROPOULOS: Well, your Honor, I guess if
14 someone's going to offer testimony in support of a
15 rule and say he reviewed, I just wanted to see
16 where it appeared in the rule. If it doesn't
17 appear in the rule, it doesn't appear in the rule.

18 JUDGE SAINSOT: Well, then you don't really need
19 a witness to testify to that, now, do you? It is
20 what -- the rule is what it is.

21 MR. METROPOULOS: That's correct. I just want to
22 be sure that I am looking correctly. I'll

1 withdraw.

2 JUDGE SAINSOT: Okay.

3 MR. METROPOULOS: I have no further questions.

4 JUDGE SAINSOT: Anyone else?

5 MR. GUERRA: I just have a few.

6 CROSS-EXAMINATION

7 BY

8 MR. GUERRA:

9 Q. Good afternoon, Mr. Tank. I'm going to
10 refer you to Page 5, Line 87 of your direct
11 testimony.

12 A. Page 5?

13 Q. Yeah. You state that about 10 percent of
14 Voicestream's circuits are provided by carriers
15 such as Verizon and AT&T; is that correct?

16 A. That's about approximately correct.

17 Q. Do you know what percentage applies to
18 Verizon?

19 A. I'm sorry?

20 Q. What percentage applies to Verizon? Do you
21 know?

22 A. I wouldn't -- I mean, approximately

1 probably about 7 to 8 percent.

2 **Q.** Are you familiar with the quality of
3 special access services that Verizon provides
4 Voicestream?

5 **A.** I didn't go through the metrics for this
6 testimony.

7 **Q.** Are you generally aware?

8 **A.** No.

9 **Q.** So in developing your testimony, you did
10 not consider Verizon's service quality?

11 **A.** No.

12 **Q.** You did not?

13 **A.** No.

14 **Q.** And?

15 MR. GUERRA: You're aware that the rule that your
16 testimony supports is -- that's all I have.

17 JUDGE SAINSOT: Anybody else?

18 MS. NAUGHTON: I have one question.

19 CROSS-EXAMINATION

20 BY

21 MS. NAUGHTON:

22 **Q.** Can I direct your attention to Page 7,

1 Line -- question and answer, Lines 142 to 146.

2 A. Mm-hmm.

3 Q. In this Q is A, you've described the
4 process by which discrepancies regarding
5 information included in Ameritech's monthly
6 performance reports are resolved; is that correct?

7 A. Yes.

8 Q. And you've stated that in the past you met
9 with Ameritech to review discrepancies?

10 A. Yeah. After many months of debate over the
11 discrepancies between our reports and Ameritech's
12 reports, we finally convinced Ameritech to allow us
13 to have a weekly meeting to reconcile the
14 discrepancies.

15 After six weeks, Ameritech
16 decided they didn't want to do those anymore, and
17 for no reason they cancelled it. No reason was
18 given to us. The reason that was cited for all the
19 debate up front, the months of debate, was that
20 they didn't have the resources to do it and then
21 somehow they found the resources but then only did
22 it for six weeks --

1 **Q.** So is it your understanding then that if
2 you did have a discrepancy with one of the reports
3 in the future that you would not be able to meet
4 with Ameritech to discuss it?

5 **A.** They have been unwilling to meet with us to
6 do that.

7 **Q.** Is there any other process by which you
8 can --

9 **A.** They have quarterly meetings that they come
10 in with my counterpart, who's a director of their
11 team. And in that meeting at one point about a
12 year ago -- and that's the last time I've spoken
13 with him, by the way. I have not spoken with my
14 counterpart in over a year.

15 At that point during that
16 meeting, I brought up the discrepancies and wanted
17 to go through line item by line item probably
18 somewhere around 30 or 40 discrepancies with her
19 and her team and me and my team gathered in one
20 room. She refused to do that, insinuated that I
21 was calling her a liar, and proceeded to tell her
22 Staff to not answer the questions that I had on

1 those outages and not to take any e-mails or
2 further communication on those points that I wanted
3 to go through.

4 Three, four months after that, at
5 a vice president level, their Staff started having
6 these meetings, and they were discontinued six
7 weeks later.

8 **Q.** So if I'm understanding your testimony, you
9 had at one point for about six weeks weekly
10 meetings discussing discrepancies, those were
11 abandoned --

12 **A.** Well, they weren't even meetings. They
13 were supposed to be face to face but turned out to
14 be conference calls.

15 **Q.** Okay. Conference calls --

16 **A.** Right.

17 **Q.** -- regarding discrepancies, but those were
18 abandoned --

19 **A.** Right. So the discrepancies that we
20 discussed, I don't know if they were ever fixed
21 because there was a six-week time frame and the
22 time frame to fix those discrepancies was longer,

1 so I never got feedback. All I got was basically
2 one-way discussion points going from my direction
3 to theirs, telling them that these discrepancies
4 were there and we never got any feedback or --

5 Q. No response?

6 A. No response as to, okay, this was fixed or
7 you were correct.

8 Q. Okay. And if I also understand your
9 testimony, there were quarterly meetings scheduled,
10 but you were really not permitted to discuss
11 discrepancies at those meetings?

12 A. Right, and at that point even during that
13 discussion, their director, my counterpart, said
14 that they aren't mandated to do it, they don't have
15 the resources to do it and that she refused to do
16 it. I asked for it in writing, I never got it in
17 writing.

18 Three, four months passed, a lot
19 of debating went back and forth between the vice
20 presidents because she refused to talk to me at
21 that point. And essentially unless this is
22 mandated, it's not going to happen.

1 **Q.** Is it also fair to say then that besides
2 not being able to have any meetings regarding
3 discrepancies that when you either give by
4 telephone or in writing notice of discrepancies you
5 don't get responses?

6 **A.** No, I don't.

7 MS. NAUGHTON: Okay. Thank you. That was all I
8 had for you.

9 MR. METROPOULOS: I have just one recross, your
10 Honor.

11 RECROSS-EXAMINATION

12 BY

13 MR. METROPOULOS:

14 **Q.** When was the last written communication in
15 which you submitted to Ameritech a request to
16 resolve discrepancies, as you put it?

17 **A.** Probably about a month and a half ago.

18 **Q.** Who was it addressed to?

19 **A.** Our service manager, probably Mary
20 Atella (phonetic). That's done at the Staff level.
21 The quarterly meetings are with me.

22 MR. METROPOULOS: No further questions.

1 JUDGE SAINSOT: Now we have the phone --

2 MS. PASULKA-BROWN: Yes.

3 JUDGE SAINSOT: Does that mean you want me to

4 dial something?

5 MS. PASULKA-BROWN: Please.

6 (Discussion off the record.)

7 (Witness sworn.)

8 ROBERT JAKUBEK,

9 called as a witness herein, having been first duly

10 sworn, was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY

13 MS. PASULKA-BROWN:

14 Q. This is Kathy Pasulka-Brown. Good

15 afternoon, Robert. Can you please state your name

16 for the record?

17 A. Robert Jakubek.

18 Q. And can you tell us who you're employed by

19 and what your title is?

20 A. I am employed by United States Cellular,

21 and my title has actually just changed as of

22 August. I was the director of network operations

1 for my testimony, I'm now the director of system
2 performance.

3 Q. And are you the same Robert Jakubek who
4 caused testimony to be -- direct testimony to be
5 filed in this proceeding?

6 A. Yes, I am.

7 (Whereupon, Wireless Coalition
8 Exhibit Nos. 6.0 and 6.0 PR were
9 marked for identification
10 as of this date.)

11 BY MS. PASULKA-BROWN:

12 Q. And do you have in front of you a copy of
13 what's been identified as Wireless Coalition
14 Exhibit 6.0 labeled Direct Testimony of Robert R.
15 Jakubek?

16 A. Yes, I do.

17 Q. And do you have any corrections or changes
18 to make to that testimony?

19 A. Yes, I do.

20 Q. Let's just start with your title, which is
21 on the cover page. It is now director of system
22 performance?

1 **A.** Correct.

2 **Q.** Okay. Now, could you turn to Page 5 of
3 your testimony. And do you have any changes or
4 corrections to make on Page 5?

5 **A.** I made a mistake describing the actual time
6 period for Verizon.

7 **Q.** Can you refer to the line number and
8 explain the specific change that you'd like to make
9 in your testimony?

10 **A.** On Line 80, I used the phrase "during the
11 same period for Verizon" when really the time
12 periods are not the same for Verizon and
13 Ameritech's data. It was a mistake on my part. I
14 think the time periods are from February of 2000 --

15 **Q.** The phone blanked out. Can you just repeat
16 the particular words that you --

17 **A.** The changes on Line 80, when the phone went
18 blank on you, went from -- that the date period
19 where the phrase goes "during the same time period"
20 is incorrect. It's really from January of 2000 to
21 May of 2002.

22 MR. GUERRA: One more time January...?

1 THE WITNESS: Of 2000 to May of 2002.

2 BY MS. PASULKA-BROWN:

3 Q. Can you now turn to Page 6 of your

4 testimony. And do you have changes to make on

5 Page 6?

6 Robert, do you have changes to

7 make on Page 6?

8 JUDGE SAINSOT: Can you hear us, Mr. Jakubek?

9 MR. FOSCO: The red light's blinking.

10 MS. PASULKA-BROWN: Does that mean --

11 MS. NAUGHTON: No, it's been blinking.

12 JUDGE SAINSOT: Mr. Jakubek, can you hear us?

13 MS. NAUGHTON: Now it's green.

14 BY MS. PASULKA-BROWN:

15 Q. Can you hear us, Mr. Jakubek?

16 A. Now I can. There was a period of quiet.

17 Q. Oh, okay. Can you turn to Page 6 and

18 advise us of the change that you need to make in

19 the testimony on that Page?

20 A. On Page 6, you said? On Line 93, also I

21 have another date problem, and that is for

22 Ameritech on Line 93. It should say "January of

1 2001." Again, I had some trouble -- or I made some
2 mistakes mixing different years.

3 Q. Okay.

4 A. The correct time period for Ameritech data
5 is January of 2001 to May of 2002; for Verizon data
6 it is January of 2000 to May of 2002.

7 Q. Thank you. Can you now turn to Page 9 of
8 your testimony and advise us of the correction that
9 needs to be made on that page?

10 A. Page 69?

11 Q. Line 169.

12 A. It currently reads between "January 1st,
13 2001 for Verizon." That should say "January 1st,
14 2000 for Verizon."

15 Q. Do you have any further --

16 MR. GUERRA: What -- I'm sorry what line was
17 that?

18 MS. PASULKA-BROWN: 169.

19 MR. GUERRA: 169.

20 MS. PASULKA-BROWN: 2001 for January should be
21 2000.

22 BY MS. PASULKA-BROWN:

1 **Q.** And do you have any further changes or
2 corrections to make in your testimony?

3 **A.** No, I do not.

4 **Q.** Mr. Jakubek, if I asked you the same
5 questions would you give us the same answers as
6 you've just revised?

7 **A.** Yes, I would.

8 MS. PASULKA-BROWN: With that, your Honor, I
9 would like to submit Wireless Coalition Exhibit 6.0
10 as the testimony to be admitted into the record and
11 tender Mr. Jakubek for cross-examination.

12 JUDGE SAINSOT: Any objection?

13 MS. NAUGHTON: No.

14 JUDGE SAINSOT: That being the case, Wireless
15 Exhibit 6.0, the direct testimony of Mr. Jakubek is
16 entered into evidence. Your motion is granted.

17 (Whereupon, Wireless Coalition
18 Exhibit No. 6.0 was
19 admitted into evidence
20 as of this date.)

21 JUDGE SAINSOT: Any cross?

22 MR. METROPOULOS: I have a few questions, your

1 Honor.

2 CROSS-EXAMINATION

3 BY

4 MR. METROPOULOS:

5 Q. Good afternoon, Mr. Jakubek. How are you?

6 A. Great.

7 Q. Good. This is Jim Metropoulos on the
8 phone. I'm with Ameritech Illinois or representing
9 Ameritech Illinois.

10 A. All right.

11 Q. Let me know if you have any problems
12 hearing me over the line or hearing any of my
13 questions over the line.

14 I'd like to refer you to Page 9
15 of your direct testimony, Exhibit 6.0.

16 JUDGE SAINSOT: Ms. Pasulka-Brown, do you have a
17 copy of the changed testimony?

18 MR. METROPOULOS: Are you there?

19 THE WITNESS: What line are you referring to?

20 BY MR. METROPOULOS:

21 Q. I'll direct you to the text -- the question
22 and answer beginning on Line 159.

1 **A.** Yes.

2 **Q.** Now, I'd like -- there are some figures
3 here relating to the time to do repairs. Before I
4 ask you these questions, I want to make clear that
5 I'm going to be asking you a couple of questions
6 about the way you came up with the figures that
7 appear on Page 9; but I'm not looking at any number
8 in particular, so I won't be asking you about any
9 confidential figures that appear there. Are we
10 clear?

11 **A.** Yes.

12 **Q.** Okay. Would you agree with me that it
13 would be appropriate when we're counting the time
14 for Ameritech to do repairs that it would be
15 appropriate to start the clock for Ameritech when
16 your company first tells Ameritech about the
17 problem?

18 **A.** Correct.

19 **Q.** Okay. And would you agree with me that it
20 would be appropriate in counting the time to do
21 repairs that we should not count any time that your
22 company tells Ameritech Illinois to wait?

1 **A.** I would say it's probably correct.

2 **Q.** Okay. And would you agree that we should
3 not count any such time, if there is, that your
4 company or the end user that subscribes to your
5 company does not allow Ameritech's technician to
6 access the equipment; would that be correct?

7 **A.** I would say correct.

8 **Q.** Okay. In your testimony, am I correct,
9 that you do not say how much time you deducted or
10 considered in formulating the figures that appear
11 on Page 9 of your testimony? You did not say how
12 much time you deducted or considered relating to
13 the three questions I just raised?

14 **A.** No, I do not stipulate the actual time, but
15 I believe there is very little opinion of that time
16 in those calculations. Our people are under direct
17 orders to ensure that they always work with
18 Ameritech or always work with the telephone
19 companies and are on-site.

20 **Q.** Okay. But to the extent any such time
21 exists, it's not documented in your testimony; is
22 that correct?

1 **A.** It is not documented in our testimony. If
2 there was a case in which -- we do not currently
3 record that time.

4 MR. METROPOULOS: Nothing further, your Honor.

5 Thank you for your time,
6 Mr. Jakubek.

7 JUDGE SAINSOT: Any redirect?

8 REDIRECT EXAMINATION

9 BY

10 MS. PASULKA-BROWN:

11 **Q.** I didn't hear that last answer. Could you
12 just repeat it?

13 **A.** The last answer was, was there any -- or
14 the last question, I believe, was was there any on
15 the previous three questions as far as time in my
16 calculations, and, no, we do not actually capture
17 time in which a person -- it's not captured as far
18 as time in which a person may request Ameritech not
19 to test.

20 But in that, I believe that there
21 is very little, if any, because for all of these
22 circuits, the circuit is down and we are requesting

1 testing, and that's why we have a trouble ticket
2 open with Ameritech.

3 Q. So you didn't include any time that
4 U.S. Cellular would have asked Ameritech to wait,
5 you wouldn't have included that in your statistics?

6 A. We don't record that time, so I couldn't
7 not include it; but we don't do that. We don't
8 actually go ahead and ask Ameritech to wait when we
9 have a ticket open.

10 MS. NAUGHTON: Staff does have one question. I
11 wanted to mention that before you continue your
12 redirect.

13 MS. PASULKA-BROWN: You can go ahead.

14 CROSS-EXAMINATION

15 BY

16 MS. NAUGHTON:

17 Q. This is Nora Naughton. I'm representing
18 Staff, and I'd like to just ask you one question
19 about your testimony.

20 A. Yes.

21 Q. If I can direct you to Page 7 and 8 of your
22 testimony, the question that begins at Line 130 and

1 the answer that goes from Line 131 to 143.

2 Do you see that?

3 A. Okay. That's Line 130 to Line 143, you
4 said?

5 Q. That's right. That's the question and
6 answer I'm referring to.

7 A. Yes.

8 Q. Okay. In this question and answer, you
9 make some statements regarding discrepancies
10 between the summary provided by Ameritech in their
11 reports and the raw data that they provide. And
12 you indicate that those are sometimes inconsistent;
13 is that accurate?

14 A. Yes, it is accurate.

15 Q. I have a question -- more of a
16 clarification for you. Do you also question the
17 raw data, or are you just questioning the summaries
18 of the raw data?

19 A. I guess I would be questioning both. We
20 were trying to reconcile everything with my
21 particular internal reports, and we were having a
22 hard time reconciling especially against the

1 summary data. That's where the biggest disparity
2 was. Raw data much closer matched my data, but it
3 did not match it perfectly either.

4 Part of that, I believe, is the
5 actual codes that are assigned, such as the
6 resolution codes, whether it's CPE or what are
7 assigned without a whole lot of visibility to us.
8 So when we were in the meeting room with Ameritech,
9 we were basically disagreeing sometimes what that
10 actual issue was that actually restored that
11 circuit.

12 So, yes, I'd say I do question
13 the raw data.

14 **Q.** Have you resolved your issues regarding
15 coding with respect to the raw data?

16 **A.** No, we haven't been able to resolve any
17 issues, either the coding or the discrepancy
18 between the raw and the summary data.

19 MS. NAUGHTON: Okay. Thank you. I don't have
20 anything further.

21 JUDGE SAINSOT: Anyone else? Okay. Mr.
22 Jakubek, there are no further questions for you so

1 you're excused. Have a nice evening.

2 Okay. Where are we with Mr.

3 Blake then?

4 MS. PASULKA-BROWN: If I can back up one second.

5 Did you rule on the admission of both 6.0

6 proprietary and public?

7 JUDGE SAINSOT: I don't think I did because it

8 doesn't show in my notes. Thank you.

9 But for the record, I don't have

10 a copy of either one of them so you need to tender

11 me copies. That's why I'm --

12 MS. PASULKA-BROWN: I have it here.

13 JUDGE SAINSOT: So we're all clear, Wireless

14 Exhibits 6.0 and 6.0 PR, which is the proprietary

15 and confidential version of 6.0 are admitted into

16 evidence. There were no objections as to 6.0, so I

17 don't know why there would be any to 6.0 PR.

18 (Whereupon, Wireless Coalition

19 Exhibit No. 6.0 PR was

20 admitted into evidence

21 as of this date.)

22 MS. PASULKA-BROWN: Doug Blake, are you still on

1 the line?

2 THE WITNESS: Yes, I am.

3 (Witness sworn.)

4 (Whereupon, Wireless Coalition

5 Exhibit Nos. 7.0 and 7.0 PR were

6 marked for identification

7 as of this date.)

8 CARROLL DOUG BLAKE,

9 called as a witness herein, having been first duly

10 sworn, was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY

13 MS. PASULKA BROWN:

14 Q. Good afternoon, Mr. Blake. It's Kathy

15 Pasulka-Brown.

16 A. Good afternoon.

17 Q. Could you please state your name for the

18 record?

19 A. Yes, it's Carroll Doug Blake.

20 Q. And could you please tell us who you're

21 employed by and what your position is?

22 A. I'm employed by United States Cellular, and

1 I'm the director of network operations.

2 Q. Are you the same Doug Blake that caused
3 testimony to be filed in this proceeding?

4 A. Yes, that's correct.

5 Q. Do you have a copy of what's been
6 identified as Wireless Coalition Exhibit 7.0 in
7 front of you?

8 A. Yes, I do.

9 Q. And that testimony is labeled Direct
10 Testimony of Doug Blake, correct?

11 A. (No response).

12 Q. Correct?

13 A. Yes, ma'am.

14 Q. Do you have any changes or amendments to
15 make to that testimony?

16 A. No, I do not.

17 Q. If I asked you the same questions that were
18 included in that testimony today, would you give me
19 the same answers?

20 A. Yes, I would.

21 MS. PASULKA-BROWN: With that, your Honor, I'd
22 like to submit into the record and move for

1 admission the Wireless Coalition Exhibit 7.0 and
2 Wireless Coalition Exhibit 7.0 PR and submit and
3 tender Mr. Blake for cross-examination.

4 JUDGE SAINSOT: Any objection to the admission
5 of 7.0 and 7.0 PR?

6 MS. NAUGHTON: None.

7 MR. METROPOULOS: No.

8 JUDGE SAINSOT: Okay. That being the case.
9 Your motion is granted, Counsel. Wireless Exhibits
10 7.0 and 7.0 PR are admitted into evidence.

11 (Whereupon, Wireless Coalition
12 Exhibit Nos. 7.0 and 7.0 PR were
13 admitted into evidence
14 as of this date.)

15 JUDGE SAINSOT: Any cross for this witness?

16 MR. METROPOULOS: I have none, your Honor.

17 MS. NAUGHTON: I have none either.

18 JUDGE SAINSOT: Mr. Blake, you may have lucked
19 out. There is no -- just for the record, there's
20 none?

21 MR. GUERRA: No cross.

22 JUDGE SAINSOT: No cross-examination?

1 Okay. Well, in that case,
2 Mr. Blake, you're excused. And have a nice
3 evening.

4 THE WITNESS: Thank you very much.

5 JUDGE SAINSOT: Thank you. Can I turn this off
6 now because we can maybe going through briefing.
7 What about those Staff --

8 MR. LANNON: Late-filed exhibits?

9 JUDGE SAINSOT: Yes.

10 MR. LANNON: Yes, I'd like to move those for
11 admission.

12 (Discussion off the record.)

13 JUDGE SAINSOT: Okay. At this time, Staff is
14 moving to enter its Exhibits 12 and 13 PR into
15 evidence?

16 MR. LANNON: That's correct, your Honor.

17 JUDGE SAINSOT: And there is no objection from
18 anyone?

19 MS. PASULKA-BROWN: No.

20 JUDGE SAINSOT: And let the record reflect that
21 I asked the room when there was a room full of
22 lawyers at an earlier time and no one had any

1 objection to these.

2 So that being the case, there
3 being no objection to the admission of Staff
4 Exhibit 12 and Staff Exhibit 13 PR, your motion is
5 granted, Counsel, and they are admitted into
6 evidence.

7 (Whereupon, Staff
8 Exhibit Nos. 12 and 13 PR were
9 admitted into evidence
10 as of this date.)

11 MR. LANNON: Thank you, your Honor.

12 JUDGE SAINSOT: Is there anything else? Any
13 Housekeeping?

14 MS. NAUGHTON: Yes, your Honor. The parties
15 have agreed to a new briefing schedule of September
16 20th for initial and October 11th for reply, and
17 the parties have also agreed to e-mail those briefs
18 to the service list with Word versions if that's
19 available.

20 JUDGE SAINSOT: Does that mean we're not getting
21 hard copies?

22 MS. NAUGHTON: No, that would be in addition.

1 MR. TOWNSLEY: I would request that we get
2 electronic versions followed by hard copies so that
3 we -- so that the pagination -- we can check the
4 pagination and make sure the pagination is the
5 same.

6 MR. GUERRA: We normally send e-mail versions
7 only but always send the Commission a hard copy --
8 the judges a hard copy. But would a Word version
9 and a PDF version be fine?

10 MR. TOWNSLEY: That would be fine by me. That
11 takes care of the potential pagination problem.

12 JUDGE SAINSOT: Well, that may be normally what
13 you do, Mr. Guerra.

14 MR. GUERRA: I think that's become -- I don't
15 think --

16 MS. NAUGHTON: We still get a lot of hard
17 copies.

18 MR. GUERRA: I'm getting fewer and fewer.

19 JUDGE SAINSOT: I like hard copies.

20 MR. FOSCO: I think everyone's in a practice of
21 sending them to the ALJs.

22 MS. NAUGHTON: That's acceptable to Staff. We

1 appreciate hard copies just so it doesn't end up
2 being our paper cost, but we're fine with PDF. And
3 we would like a Word version as well.

4 JUDGE SAINSBOT: Okay. That being the case,
5 we've gotten that settled.

6 Now we have a little dispute here
7 regarding MCI's cross exhibits?

8 MR. METROPOULOS: Yes, your Honor. If I may, I
9 would like to renew the objection I made regarding
10 the WorldCom Cross Exhibits 1 and 2.

11 The grounds for the objection are
12 that they -- as we have been concerned with
13 originating discussions that were off the record,
14 we've found that the Round Table discussions to
15 which those documents referred and which those
16 documents reflected were intended to be
17 business-to-business discussions and that the
18 Commission designated the content of those
19 discussions to be off the record at each meeting at
20 which the discussions took place.

21 And on that basis, we object to
22 the admission of Exhibits 1 and 2.

1 JUDGE SAINSOT: Could you give me a copy of that
2 just to refresh my recollection? I read them once,
3 but it was a few weeks ago. Thanks.

4 Mr. Townsley?

5 MR. TOWNSLEY: Your Honor, although the letters
6 themselves that are WorldCom Cross Exhibits 1 and 2
7 do not reflect the fact that it was expected that
8 the discussions were to be held -- considered
9 off-the-record discussions, it is my understanding
10 after discussing this matter with Joan Campion who
11 was in attendance at the meetings that there was
12 some indication given at the start of the wholesale
13 performance meetings that they were to be off the
14 record.

15 So given that, I was going to be
16 willing to withdraw WorldCom Cross Exhibit 1 and
17 Cross Exhibit 2. However, it came to my attention
18 yesterday that Ameritech, in a filing it made with
19 this Commission on August 9 in Docket 01-0120, has
20 referenced within its application for review of the
21 Commission's order in that proceeding discussions
22 that Ameritech apparently had, negotiations since

1 the issuance of the order in 01-0120 on July 10,
2 2002, that it has had negotiations and made
3 progress towards reaching a five-state agreement
4 with some unnamed CLEC with respect to a remedy
5 plan.

6 I have indicated to
7 Mr. Metropoulos -- that is a document that was
8 signed by Mr. Metropoulos and Ms. Hertel, and I
9 have indicated to them that if they believe it is
10 appropriate for Ameritech to refer to
11 off-the-record discussions and settlement-type
12 negotiations in a pleading that they're asking this
13 Commission to consider in its application for
14 review in 01-0120, then I don't see the difference
15 in me referring to or using documents that were
16 meant to be off the record to cross-examine one of
17 their witnesses.

18 It is clear to me from my
19 conversations with Ms. Hertel and Mr. Metropoulos
20 that they are unwilling to pull the statements that
21 they have reflected in the application for
22 rehearing in 01-0120 which appear in Page 2 of that

1 document. And based on their refusal to pull that
2 reference to what were off-the-record discussions
3 apparently with some unnamed CLEC, I guess I'm at
4 somewhat of a loss or unwilling, I guess, to
5 voluntarily withdraw WorldCom Cross Exhibits 1 and
6 2 unless Ameritech is willing to play by the same
7 rules with respect to the other docket.

8 So I am more than happy to
9 withdraw my exhibits and sit down with Ameritech
10 and go through the transcript to find my
11 cross-examination of Mr. Dobson, I believe it was,
12 and remove all pertinent cross-examination that was
13 based upon WorldCom Cross Exhibits 1 and 2. I'm
14 more than willing to do that, but only if Ameritech
15 is willing to agree to remove references in its
16 pleadings before this Commission to off-the-record
17 discussions with other CLECs.

18 So I guess my objection is
19 contingent -- or my willingness to agree to
20 withdraw these exhibits is contingent on Ameritech
21 agreeing to withdraw similar references to
22 off-the-record discussions in a pleading that it

1 has before this Commission that it wishes this
2 Commission to consider in that proceeding. And
3 I'll leave it at that.

4 JUDGE SAINSOT: Before you respond, Counsel, I
5 just have a few questions I would like to ask
6 Mr. Townsley.

7 MR. TOWNSLEY: Sure.

8 JUDGE SAINSOT: You need to explain to me why
9 these negotiations with a CLEC that are alluded to
10 in a proceeding with another docket are relevant
11 here. First of all, that's a different case.

12 And second of all, what
13 off-the-record discussions with a CLEC? You need
14 to explain to me why that's parallel to
15 off-the-record discussions with the Chairman of the
16 ICC. I'm not sure I really think that's a parallel
17 situation.

18 MR. TOWNSLEY: Well, I think the way
19 Mr. Metropoulos characterized these discussions
20 with the Chairman and other members of the industry
21 were in the context of settlement-type
22 negotiations.

1 And if that's a correct
2 characterization of how Mr. Metropoulos has
3 perceived what occurred during these wholesale
4 performance meetings with the Chairman, then I
5 believe it would be parallel to settlement meetings
6 with some CLEC about the remedy plan -- a
7 five-state remedy plan that Ameritech is attempting
8 to use which was completely outside of the record
9 in the other docket and was just brought up in a
10 pleading which they're putting before this
11 Commission and they wish this Commission to
12 consider in reaching a decision.

13 So I think they're parallel in
14 that I believe they're both akin to settlement-type
15 discussions.

16 JUDGE SAINSOT: Well, hold on. You're not the
17 unnamed CLEC, I take it?

18 MR. TOWNSLEY: No, we are not.

19 JUDGE SAINSOT: Okay.

20 MR. TOWNSLEY: I don't know who is.

21 JUDGE SAINSOT: So Ameritech's breach of any
22 confidentiality it has with the CLEC, that's the

1 CLEC's problem, not -- or, you know, the
2 off-the-record discussions, however, with the
3 Chairman, depending on what they are, may or may
4 not be germane.

5 Now, what are -- you know, I do
6 not participate in these Round Table discussions.
7 What were these generally? I mean, don't get into
8 specifics, but --

9 MR. TOWNSLEY: It's my understanding that these
10 Round Tables were convened to discuss problems with
11 Ameritech's wholesale performance with respect to
12 the services that they provide to competitive local
13 exchange carriers as a general matter.

14 JUDGE SAINSOT: Okay. And after speaking with
15 people from MCI and other companies, the Chairman
16 drafted this letter -- these letters?

17 MR. TOWNSLEY: The Chairman did draft these
18 letters. There is no indication in the letter
19 themselves that these discussions were to be off
20 the record; however, my understanding from Joan
21 Campion, who attended these meetings on behalf of
22 my company, is that there was some indication given

1 at the start of the meetings that they were to be
2 quote unquote off-the-record discussions.

3 And based on that, I was willing
4 to agree to pull these until I saw --

5 JUDGE SAINSOT: Now I'm a little confused. Are
6 you saying that whatever Ms. Campion told the
7 Chairman was supposed to be confidential? Because
8 certainly what the Chairman tells Ed Miller in a
9 letter isn't confidential, I don't think.

10 MR. TOWNSLEY: And I didn't think they were
11 either. But based on what Ms. Hertel has
12 represented to me, I went back and tried to verify
13 what she had claimed which was that there was some
14 indication at the meeting that they were off the
15 record.

16 So I went back and attempted to
17 do that with Joan Campion, and she said there was
18 some indication given. I don't know whether it was
19 in both meetings or one of the meetings, but it's
20 certainly not memorialized in the letters the
21 Chairman of the Commission sent Mr. Miller, who is
22 CEO or was CEO -- president and chief executive

1 officer of SBC/Ameritech.

2 JUDGE SAINSOT: Okay. Let's give Counsel a
3 chance to respond.

4 MR. METROPOULOS: Thank you, your Honor. To the
5 extent Counsel is asking me to argue about a matter
6 that's in another docket, I would say that's
7 inappropriate. To the extent Counsel is asking me
8 to argue the evidentiary issue here, I would say
9 that I disagree that the analogy he's trying to
10 draw is appropriate.

11 First, I'm not sure that the
12 analogy to settlement discussions is entirely apt.
13 It was certainly -- the idea was is to have frank
14 discussions between all the parties in the same
15 lines that maybe a settlement would have, but I
16 don't think it was with the prospect of settling
17 any particular dispute or anything like that.

18 That aside, what we're talking
19 about in this docket is the content of discussions;
20 who said what, who responded how, who sent a letter
21 memorializing what was said. What was at issue in
22 01- -- what Counsel's talking about in Docket 0120

1 is simply advising the Commission of the existence
2 of settlement discussions without divulging who
3 said anything and without divulging any of the
4 content of what the discussions were. I don't see
5 the -- I don't see the analogy between the two.

6 We're not saying that the fact of
7 the Round Table discussions is privileged, we're
8 saying that the actual things said were, based on
9 our understanding at the time that we were to have
10 a frank discussion.

11 MS. NAUGHTON: I have a concern I'd like to ask
12 Mr. Metropoulos a question about. If I'm
13 understanding your theory correctly, are you
14 claiming then that the Chairman has violated some
15 sort of --

16 MR. METROPOULOS: Absolutely not, no. I think
17 that the -- do you mean by sending the letter?

18 MS. NAUGHTON: Yeah, because wouldn't that be a
19 violation of what was supposed to be kept
20 confidential?

21 MR. METROPOULOS: As I understood it, he was
22 simply sending a letter to one of the participants

1 in the discussion that reflected what was said in
2 the discussions. So I certainly would not -- I
3 certainly did not want to intimate in any way that
4 there had been any breach in that respect. It's
5 more the question of whether such discussions were
6 to be used outside of those business-to-business
7 discussions in the context of a litigation or
8 regulatory proceeding.

9 MS. NAUGHTON: Were there any other parties CC'd
10 to this letter that might have been a violation?

11 The reason I'm asking these
12 questions is that I have no personal knowledge as
13 to whether these Round Tables were supposed to be
14 confidential or not, but I think if we're going to
15 make any statements that might affect the
16 Commission we should find that out --

17 MR. TOWNSLEY: While Mr. Metropoulos
18 characterizes these as business-to-business
19 discussions, it's apparent from the CC on the
20 letters, at least the November 20, 2001 letter that
21 these were copied on the Cook County State's
22 Attorney's Office, the City of Chicago, the Office

1 of the Attorney General.

2 I don't know what their
3 business-to-business relationship is in the
4 meetings, but the letter was sent to them, copied
5 on them, and I guess that they were in attendance
6 at the meeting.

7 MS. NAUGHTON: Does anyone know if this letter
8 was published on the Web site? There have been
9 some --

10 MR. TOWNSLEY: There are certain Round Table
11 reports that are on the Web site. I don't believe
12 these are on there, but I --

13 MS. NAUGHTON: You know, I have no knowledge of
14 this, I really don't have it, but I am concerned
15 that we would be making a ruling if it's on the
16 Web site or if the Chairman has CC'd other people,
17 I would personally, representing Staff and
18 ultimately the Commission, be a bit concerned that
19 we wouldn't find out from a source of the
20 Commission whether or not this was intended to be
21 confidential.

22 MR. TOWNSLEY: Do you know whether these are on

1 the Web site?

2 MR. METROPOULOS: We do not -- it would have
3 been our understanding that they were not, but...

4 MS. HERTEL: I do notice that the CCs on the
5 letter appear to pretty much track up with
6 attendees from prior meetings in terms of parties
7 represented.

8 JUDGE SAINSOT: Let me ask you something, are
9 you moving to strike these or have them not
10 admitted into evidence or however you want to
11 phrase it because they're confidential?

12 MR. METROPOULOS: Or that because the
13 discussions that are reflected in the letters took
14 place with the understanding that they would not be
15 -- that they would be kept confidential and that
16 they would not be used against other parties in a
17 regulatory or litigation setting. That was the
18 idea of encouraging people to be --

19 JUDGE SAINSOT: Forthright?

20 MR. METROPOULOS: -- frank.

21 JUDGE SAINSOT: Yeah. I mean, certainly
22 whomever the list is -- the CC list is certainly an

1 indication that many people privy to this, but I'm
2 a little concerned that if I allow these two
3 documents into evidence that it might have a
4 chilling effect somewhere down the line on someone
5 in future situations like that and that would not
6 be good for the public or the companies.

7 So I am granting Counsel's
8 motion. MCI's -- these are Cross Exhibits 1 and
9 2 --

10 MR. TOWNSLEY: 1 and 2. And, your Honor, there
11 was a fairly substantial amount of cross that was
12 based on these documents, and what I have told
13 Mr. Metropoulos and Ms. Hertel is that I'm willing
14 to sit down with them and go through the
15 transcript. I have not seen the transcript yet
16 myself, but I'm willing to sit down with them and
17 go through line by line and figure out what ought
18 to come out and what ought to stay in.

19 MR. METROPOULOS: And I agree with that
20 suggestion.

21 JUDGE SAINSOT: Okay. And for the record, I
22 will not consider the cross-examination of --

1 MR. TOWNSLEY: There's still some good
2 cross-examination in there. Once we redact it --
3 I'm sorry, your Honor. That came out the wrong
4 way.

5 I believe there will still be
6 material left over in the record itself that you
7 will be able to consider outside of the cross
8 that's based on these documents, let me put it that
9 way.

10 MR. METROPOULOS: There's some good stuff in
11 there.

12 JUDGE SAINSOT: You were on a roll. But
13 anything that relates to specifics of conversations
14 or anything will not be considered.

15 MR. TOWNSLEY: Understood. Thank you.

16 MR. METROPOULOS: Thank you, your Honor.

17 JUDGE SAINSOT: Thank you.

18 Okay. Anything further?

19 (Discussion off the record.)

20 JUDGE SAINSOT: Back on the record. No further
21 evidence, just in case we forgot something after
22 three days of trial? That's easy to do.

1 Okay. In that case, the record
2 will be marked heard and taken.

3 Have a good evening.

4 HEARD AND TAKEN. . . .

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